

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) James Cooke 413972
(Name of Plaintiff) (Inmate Number)

HRYCZ. P.O. BOX 9561 WIL DE 19809
(Complete Address with zip code)

(2) Richard D. Iverson 367529
(Name of Plaintiff) (Inmate Number)

H.R.Y.C.T. P.O. Box 9561 WIL DE 19809
(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Mr. Aaron Goldstein
(2) Mr. Joseph D. Ibbew III
(3) Mr. Carl C. Dawberg
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

10 - 893

(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Additional Sheets Needed for DefendantsNamesEmployment Addresses with Zip Codes

- 47 Mr. Phil Morgan, Warden, Charge official of Prison, at HRYCZ, P.O. Box 9561 Wil. DE. 19809.
- 57 Mr. Emmett, Deputy Warden, Assistant, at HRYCZ, P.O. Box 9561, Wil. DE, 19809.
- 67 Mr. Parker, Major-Clo. at HRYCZ, P.O. Box, 9561, Wil. DE. 19809.
- 77 Mr. Berggur, Capt. Clo. at HRYCZ, P.O. Box 9561, Wil. DE 19809.
- 87 Ms. Carol Jefferson, Capt. Clo. at HRYCZ, P.O. Box 9561, Wil. DE 19809.
- 97 Mr. Williams, Lt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 107 Mr. A. Patrick, Lt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 117 Mr. Charles, Sgt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 127 Mr. Dimmock, Sgt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 137 Mr. Crouthers Sgt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 147 Mr. Garcia, Capt. Clo. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 157 Mr. A. Harris, Corr. Off. at HRYCZ P.O. Box 9561 Wil. DE 19809.
- 167 Mr. E. Smith, Corr. Off. at HRYCZ, P.O. Box, 9561 Wil. DE 19809.
- 177 Mr. Marty, Corr. Off. at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 187 Mr. McInnis, Corr. Off. at HRYCZ, P.O. Box, 9561, Wil. DE, 19809.
- 197 Ms. Cindy, Medical Nurse, at HRYCZ, P.O. Box 9561 Wil. DE 19809.
- 207 Medical Charge Nurse, at HRYCZ, P.O. Box, 9561, Wil. DE 19809.
- 217 Mr. Rochester L. Johnson Jr., Supervisor Paralegal, at HRYCZ, P.O. Box 9561, Wil. DE 19809.
- 227 Mr. Danielle, Corr. Off. at HRYCZ, at P.O. Box, 9561, Wil. DE 19809.
- 237 Mr. Richard Murdoch, Staff Attorney, ACLU at ACLU of Del., ACLU 100 West 10th St. Suite 309 Wil. DE. 19801.
- 247 Ms. Jennifer L. Harrison, and Mr. Patrick Collins, Private Attorneys at Law, at Harrison, Collins & Jennings L.L.C. of Del. & East 13th St. P.O. Box, 2865, Wil. DE. ~~19805~~ 19805.
- 257 Mr. Steve Eichel, Esquire. PHD at Harrison, Collins & Jennings L.L.C. of Del. & East 13th St. P.O. Box, 2865 Wil. DE, 19805.
- 267 Ms. Melissa Lang, and Mr. Shee, Forensic S.B. LL.P. at Harrison, Collins & Jennings L.L.C. Melissa Lang, L.L.B. W. 35 Flatbush Ave, #417 Brooklyn, New York. 11217.
- 277 Mr. Patrick B. Schwartz, & Chief Counsel Mr. Frederick W. Frost, One Chief at

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • ☒ Yes • ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • ☒ Yes • ☐ No
- C. If your answer to "B" is Yes:

1. What steps did you take? Grievances, Medical Complaint, Grievances, Hearing, ACLU, Internal Affairs, Mr. Joseph D. Wilson, and Mr. Aaron Goldstein Dept of Justice, and Mr. Carl C. Donberg, Commissioner,
2. What was the result? No Action was being taken, letters were considered, denied all access,

- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Mr. Aaron Goldstein
 Employed as Inquire DAB at Dept of Justice
 Mailing address with zip code: Dept of Justice, New Castle County
820 N. French St. Mil Del 19801
- (2) Name of second defendant: Mr. Joseph D. Wilson III
 Employed as Attorney General at Dept of Justice
 Mailing address with zip code: Dept of Justice, New Castle County
820 N. French St. Mil Del 19801
- (3) Name of third defendant: Mr. Carl C. Donberg
 Employed as Commissioner at Dept of Correctional
 Mailing address with zip code: Dept of Corr. 245 McGee Road Dover
19904
- (List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

Continue State as DirectlyIV

-A-

- 1] On April, 22, 2010, I was admitted into ARCC, from JIVCC, for Attorney-Client Relationship. I came from JIVCC, with no instruction, no assaultive behavior etc. When entry in the facility, I was classify to the "hole" by the prison administrator under the order of the Warden- Mr. Phil Magon. The order giving by him by the U.S. Dept of Justice, Mr. Aaron Goldstein, with Denial of all access.
- 2] April, 25, 2010, I wrote Deputy Warden, Mr. Emmett, and Major Parker, I got a response back from Major Parker, a brief notation from him explaining that I would only be in the "hole" for (2) weeks, - This come letter that Major Parker, wrote me, My Attorney have a copy of on May, 27, 2010, and the Internal Affairs, have a copy of June, 3, 2010.
- 3] On May, 21, 2010, I ask ^{Chs} Mr. A. Harris, and Mr. C. Smith, can I please talk to the Warden, or Major Parker, Capt. Deppur about me being removed out of the "hole" that two of them had promise me. I also ask the two Cpls, if they could call as well, these procedures took place around about 9:15 to 9:35 A.M. Friday. Around 11:35 AM. I knock on the door about (5) times, the Cpl was in the booth, when they come on the unit they screamed out on the unit who knocking on the door, now ~~they~~ the some time the bar was on so it was hard to hear. When Mr. C. Smith approach my door there was no more knocking on the door when Mr. A. Harris, approach my door Mr. Harris, had his voice out mixing behind Mrs. Gullett, Mr. C. Smith, unlocked my lockdown and while I was talking to Mr. C. Smith, Mr. Seales, the Cpl, was come on the unit so I was seeing him make his way to my room, Mr. A. Harris, reached his hands in my lockdown grabbed my private part with my boxer, and T-Shirt in his hand, moved my private part, about 2 1/2 seconds after I was moved to Mr. A. Harris, I kicked the door because he moved me, then Cpl. Seales, said, Come, your not going anywhere, you know that you have a Capital Case because the nature of your charge, then he order Mr. C. Smith, to open my lockdown and he moved me, all this was caught on video camera, that monitor the "hole" and I was started medical care by ^{Chs} Mr. A. Harris, after I showed him the I had blood on my boxer, from the urine, this was around about 3:15 PM. →

circumstances date 21/1/10/14

- B -

When showing Cpl. Mr. McEneaney, the blood that was in boxer, Mr. A. Harris, started to proceed to make jokes about the whole situation, he called on my intercom and told me to feel suicidal, so he could put me in the denude room. When speaking to Lt. Williams, about his low rank officers moving me improper around about 12 or 1 pm when talking to Lt. Williams, he threaten to "kill me." I reported his behavior.

4] On May 21, 2010, around about 4:15 or 4:31 pm. I alert the second shift Cpl. that was working that I was seeing out blood, did it was emergency, the lead Sgt. was called to the scene, and the charge nurse, Sgt. Dimsey, and Cpl. Mr. McEneaney, witness the blood from my private part. The charge nurse try to convince himself that he didn't see no blood, until I had to tell the Sgt. how can the charge nurse that he don't see no blood when I wiping off my private part right in front of him, with white tissue, so squeezing blood comes out, the charge nurse, didn't give me any medical care, did not take any report. He "schedule for me to see the doctor."

5] On May 22, 2010, around about 12:02, Sgt. Lt. Williams, come in my room by himself, knock all my stuff down off my shelves, took my toothpaste holder, as I was standing up at the edge of my bed, ~~at~~ Lt. Williams, was entering out of my room, he come close to me where he make contact with me hitting me with his shoulders into my chest saying, he'll "kill me." This was caught on "video camera," the unit was being monitor, the Cpl. that was on the unit when this incident took place Cpl. Mr. Morley, I reported medical Sgt. Cpl.

6] On May 26, 2010, I was being from the "Hole" interview by Capt. Berggur, in his office I told Capt. Berggur what happen, and I gave him the grievances, that I wrote-up on Cpl. Seablas, Cpl. Mr. A. Harris, Mr. C. Smith, and Lt. Williams. The grievances was handed to Capt. Berggur, have to hand by me, I told him that I wanted to sign complaints on the Cpl.

CONTINUE FROM ON PREVIOUS

IV

-C-

77 On May 27, 2010, my attorney Mr. Patrick Collins, visit me asking me what happen. I explained Mr. Patrick Collins, made a copy of the letter Major Barker, wrote to me, and I told Mr. Patrick, that the unit is monitor 24-7, and that I want to sign complaints on the C/Os. He told me that he would report it to D.A.G. Mr. Aaron Goldstein. I told Mr. Patrick, that maybe is endanger at the RIVCC.

87 On June 3, 2010, I was interview by the "Internal Affairs," in Capt. Merggus, office. The "Internal Affairs," recorded my statement, confiscated the video tape, and took the cover, and T-Shirt that I had on the day of the incident for evidence, and said the reports and grievance that I wrote-up on Lt Williams, is missing disappeared, and they also said they was sent by the D.A.G. office, and they was receive I.A. and that I may see them again and I might not see them again.

97 On June 9th or 10th of 2010, I was interview by Capt. Merggus, in the "Hole" basically, what he told me, that the Warden Mr. Phil Morgan, is not please with me wanting to sign complaints on C/Os. I ask Capt. Merggus, why haven't Mr. Phil Morgan, transfer me back to JTVCC, he said the Warden don't have to transfer you back to JTVCC because your attorney ask them. I told Capt. Merggus, he told my attorneys that he was transferring me back to JTVCC, because maybe in jeopardy with the C/Os and high rank C/Os. Then I ask Capt. Merggus, about me being denied the law library, and that I'm being compel to pay for cones, rules, and regulation of law conduct. Capt. Merggus, told me, that the only way one gets to go to the law library, he must be sentence.

IV

-D-

107 On May 28, 2010, I finally see the medical doctor, took a urine test to see if blood was still in my urine. On June 17th and 24th, took (2) more urine test, test results came back "positive" that blood was found in my urine. I was denied medical care, no medical treatment was giving.

117 In the month of May, I filled out several medical sick call slips about my feet. When finally seeing the medical nurse in late May of 2010, I explain to the medical nurse Ms. Cuddy, about my feet that I have 1st degree burns on both of my feet, including my left upper thigh. I explain the my feet get numb where blood stop circulating, skin graft, where it becomes hard for me to walk, rashes and sometimes pus. When I told Ms. Cuddy, I have a history medical record that date back almost (4) decades ago, and that this is a life time situation with me, that I have M.D. Fed, and IVCC, institutional medical records as well. I told Ms. Cuddy that I need Vit A & D oint for my feet to keep my feet moist. On June 6, 2010, I was giving the wrong medical care. In the month of June, and the middle of July, of 2010, I filled out (12) sick call slips, that was truly ignored. On July 29, 2010, I was seen by Ms. Cuddy, about my feet, I told her that she gave me the wrong medical care, which was "tolwattate." I also told her I need to see a foot specialist for my feet. On Aug. 4, 2010, I was prescribe with Vit A & D oint, by Ms. Cuddy. On Sept. 4, 2010, the prescription ran out, on Sept. 6, and 7th, and 13th, filled out a medical emergency sick call slip. On Sept. 14th, was see by the medical staff, I was denied medical care, and I told the medical staff I was "indigent" still was denied. On Sept. 16th, wrote

CONTINUE ABOVE ON NEXT PAGE

IV

-E-

The Warden: Mr. Phil Morgan. Mr. Morgan, respondent back out leaving the matter in the hands of one of his Lt. core. On Sept. 25th, on Sept. 26th, I was taking Joan to the Lt. office about my medical matters, the Lt. check the computer to see if I was "indigent" "positive result", the Lt. went to the medical station to inform them that I was indigent, and that I was schedule for appointment on Sept. 27th, 2010. On Sept. 27, 2010, seen by the same medical staff, that been deny me for medical care. Also I explain to the medical staff about the Warden, and that the medical station approved that I can receive the Vit A&D oint. because I'm indigent, "he" call Joan to the medical station, and talk to Ms. Larkien Bell, she vouch, and said from meeting the medical staff that I can receive the medical care because I'm indigent, and that I get a bottom bunk. The medical staff still denied me. On Oct. 4, 2010, went back to the medical sick call, and was being denied once again by Ms. Cindy, saying I must buy the Vit A&D oint, and saying as well what about the prisoner trust fund, I told her I was indigent. Ms. Cindy, still denied me medical care.

- 12) On Aug. 3, 2010, Lt. A. Pedrick, conspired with Warden: Mr. Phil Morgan, and Major Parker, to find guilty of false accusation without doing no investigation when the video prove that I was in the right and the paper trail was establish that one could not hide. When asking Lt. Pedrick, was he gonna ask me anything about the incident, he said no I found you guilty. I told him that I appeal. He told me he denied the appeal I still find you guilty. I let it sign the false complaint, the incident happen on May. 21, 2010, and I was on video tape, 72 day later. When Wayne Thomas, incident happen on May. 23, 2010 he was found not guilty because his incident was caught on video in the "hole" two later. This was discrimination.

IV

F

13] On Aug. 25, 2010, Lt. Williams, forced C/O Mr. Michael D. Perry, to give me a 24 loss of all privilege for talking to Mr. Lunden, in his room, without giving me a warning. On Sept. 20th, 2010, I had wrapped my legal material up in a sheet, around about 2:25 pm. about 2:30 pm. as I was let out for rec, I brought my legal work out out of my room to work out on the unit. Mr. Keith B. Duscene, came running on the unit, took my legal material wrap-up in the sheet. I went up to the booth several time to let him know my legal material was in the sheet, he call the Lt. who was Lt. Williams, Lt. Williams, come on the unit locked everybody in their room, he come to my room and ask me why was my legal material wrap-up in the sheet I told I was working out, he claim he had to confiscate my legal material I told him for what he said it was contraband, I told him that I need to speak to a Capt. he said no, you can write who ever I don't care I'm confiscating it it's contraband. I told Lt. Williams he got something against me. On Sept. 21, 2010, my attorney Mr. Heronson, visit me, I explain the matters to her, she want to the D.A.G. Mr. Aaron Goldstein. On Sept. 22, 2010, Sgt. Charles brought my legal material back, about 2:45 pm. Lt. Williams come on talk to me about the Hardeen and Major Porter. Threatening me saying if I get another 24, I'm going back on J.M. On Sept. 23, 2010, received legal mail from attorney Mr. Heronson, saying Mr. Aaron Goldstein, D.A.G. took pictures of my legal work and that he transferring me back to JNCC,

14] Several legal documents missing from my legal material, this was done on purposely I wrote grievances, I wrote the Hardeen, I still haven't received them back. my legal material are very valuable to my case as well as my life serious matter.

15] My legal mail has been open before I'm receiving it it's been sealed with scotch tape. Ever U.S. District Court mail that I have been receiving from the Off. of the Clerk has been open before I received it, these court mail has been being open ever since Aug 19, 2010, the last three has no stamps on them.

16] On August, 22, 2010, I was denied from the business off a copy of my trust fund account and I wrote the District Court about the matters, the letter had been confiscated by the facility.

17] On Sept. 29, 2010, Rover C/O Mr. Parrelle, come in my room at 6:20 pm, threatening me, threaten to throw me off of

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. On May 21, 22, June 9, August 3, 25, Sept 20th and 23rd of 2010, I was assaulted, threatened and harassed by several Cops. May 21, 28, June 5, given wrong medical care, June 17, 24, Sept 14, 27, Oct 4 of 2010. I was given medical care and still being given legal papers confiscated, missing destroyed Sept 22, 2010. Denial religious papers to go to church, family lost fund account, all assets. I receive it. Keep mail open before
Continue
of line
SHEET.
2. _____
3. _____

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Truly I have exhaust with great faith of my argument to Commissioner, Bureau of Prisons, Dept of Justice, DRC, ACLU, Attorney, that can say this is an on going problem in a manner consistent statutory scheme. I seek for Justice, for Lt. Williams confiscating my legal material when several of my documents are missing which are very valuable to my case and life. I'm suing Lt. Williams for stealing my documents, or destroying them, conspiracy, harassment and organization group 10.5 million dollar. I'm suing the workers Mr. Phil Morgan, Major Parker, for conspiracy, organization group, allowing such acts to take place threatening me, Destroying documents & evidence, for not taking responsibility. 4.2 million dollar & piece. I'm suing Mr. A Harris, for conspiracy, inflicting bodily harm intentionally, organization group. false statements, by covering up the incident on May 21, 2009 3.7 million dollar. and Cpl. Beasley, who organized the heinous event. I'm suing Lt. Perick, for conspiracy and conspiring with the garden and Major Parker, to destroy reports, covering up evidence destroying documents 4.2 million dollar. I'm suing for intentionally denial of


- of medical care with the no damage and or no injury, when knowing that the doctor, said it was okay to give me the medical care that I needed. conspiracy, improper procedures to be spiteful, to endanger my health, 5.7 million dollar. Truly this list goes on and from, General religion issues, Denial, all legal access, Denial Transaction from prison trust fund Account.
2. Held in the "Hole": from 2005 to 2007, unconstitutional as well from April 27, 2010 to August 4, 2010. cruel unusual punishment. Issues need to be resolve, I'm suffering from infliction of mental and emotional injury as my life is being endanger everyday that passes, witnesses that my complaints are consistently.

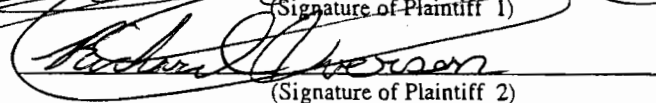
On Oct, 11, 2010, I wrote the Business Office to send me a

3. copy of my trust fund Account, I was denied by the Business off, Truly I'm facing A Serious Capital Case, and being denial legal Access. I'm suffering from mental/emotional and Physical pain, I'm seeking for damage. I'm suing Mr. Angelo, and the Business office. Mr. Sutton, Mail C/O for 5.5 million dollar.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of Oct, 2010.


(Signature of Plaintiff 1)


(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Charles Cooke # 403972
APPEL
2008. 9561.
Nov. 28, 19809.

Clark

W. S. District Court
Lockbox 18, 844 N King St.
Washington, DC 20501

